DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 5/25/2011 has been entered.

Status of Claims

1.   Claims 1-93 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

Claims 1-14, 16-21, 23, 24, 26-59, 61-73, 75-86 and 88-93 are rejected under 35 U.S.C.

103(a) as being unpatentable over Levchin et al. (USPN 7089208) in view of "Information

Technologies for the Control of Money Laundering", September 1995 (hereinafter referred to as

"Money") .

Re claims 1, 20, 21, 43 and 89-93: Levchin discloses a system and method for electronically

exchanging value among distributed users, comprising:

an account system operated by a first institution and tangibly embodied in a processing

system, the account system maintaining electronic payment accounts for a plurality of customers

of a first bank, at least one of the plurality of customers having a demand deposit account at the

first bank (column 8 lines 38-47, column 12 lines 5-19);

a bank interface coupled to the at least one account system and coupled to the first bank,

the bank interface transmitting and receiving financial information related to the demand deposit

account of the at least one customer related to the electronic payment account of the at least one

customer (figures 1, 3, and column 8 lines 38-47), the at least one account system funding the

electronic payment account of the at least one customer from the demand deposit account of the

at least one customer (column 4 lines 48-52 and column 5 lines 45-54); and,

a customer interface couple to the at least one account system, the customer interface

providing an interface for the plurality of customers to the at least one account system, the

customer interface: accepting a command from a first customer to transfer funds from the first

customer's electronic payment account to an electronic payment account of another customer,

the command including account information identifying the first customer's electronic payment account; transferring the command to at least one account system and the account system effectuating the commanded transfer (figure 3, column 9 lines 4-19) such effectuating of the commanded transfer of funds including a pushing of funds to the electronic payment account of the another customer, the electronic payment account of the another customer being the demand deposit account (column 9 lines 4-19).

Examiner notes that Levchin teaches that it is desirable to use known or common identifier of a person for value exchange (e.g. email address or telephone number) rather than other, more sensitive information such as real account information.

Levchin does not explicitly teach wherein in such pushing, payee account number of the another customer, the payee, is transmitted over a network *without account information of the first customer*, the payor, wherein the pushing of funds, *without account information of the first customer, is constituted by the payee not being provided with information such that the payor account is identifiable to the payee*.

Examiner notes that Levchin suggests that the payor's alias (i.e, email address) may be identifiable to the payee and are not necessarily protected (col. 13, lines 18-22).

Money teaches the concept of wire transfer mechanism (push-model), such that the pushing of funds is done without account information of the payee such that the payee cannot identify the payor account from which the funds are pushed, that is, all forms of payor's identifiable account information (i.e., **both raw account information and aliases as taught by Levchin**) are made confidential (page 23, last paragraph through page 24, paragraphs 1 and 2, lines 1-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time

of the invention to modify Levchin to include this feature for the obvious reason of keeping *__all__*

__forms of sender's account information (both raw account information and aliases)__

__confidential__.

 Re claim 2-6 and 8: Levchin teaches the account system automatically funds customer's

electronic payment account, in real time, by withdrawing funds from the customer's demand

deposit account at the first bank, wherein the funding is triggered by the balance falling below a

threshold (column 5 line 55 – column 6 line 3).

Re claim 7: Levchin teaches the account is funded from a credit card (column 2 lines 36-44).

Re claims 9 and 47: Levchin teaches the funds are transferred through the Automated Clearing

House system (column 5 lines 55-67).

Re claims 10 and 14: Levchin teaches automatically sweeping funds in the electronic payment

account into a demand deposit account if a threshold is exceeded (column 5 line 55 – column 6

line 3).

Re claim 11: Levchin teaches wherein at least one accounting system automatically sweeps

funds as soon as they are received in the at least on customer's electronic payment account

(column 8 lines 38-41).

Re claim 12: Levchin teaches the account system automatically sweeps funds on a periodic basis (column 6 line 66 – column 7 line 15).

Re claim 13: Levchin teaches sweeping funds on a periodic basis, but fails to teach the periodic basis group of daily, weekly, and monthly. Official notice is taken that daily, weekly, and monthly are old and well-known interpretations of the term "periodically," especially as it relates to financial transactions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify "periodic" in the Levchin reference to include daily, weekly, and monthly.

Re claims 16 and 24: Levchin teaches a secure connection coupling the bank interface and the first bank (column 6 lines 4-17).

Re claims 17 and 18: Levchin teaches a secure connection between the financial server and the banking server, but fails to teach the secure connection being a private network or a direct dial connection. Official notice is taken that private networks and direct dial connections are old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Levchin to include private networks and direct dial connections as secure connections because it is desirable that financial transactions conducted over networks involve a high level of security when sending and receiving data.

Re claim 19: Levchin teaches the financial institutions may or may not be external to the system (column 5 lines 55-57), and therefore it is inherent that the institution may be a second bank.

Re claim 23: Levchin inherently teaches a plurality of additional account systems operated by the first institution, each of the plurality of additional account systems corresponding to a respective one of a plurality of additional banks, the plurality of additional account systems maintaining a second plurality of electronic payment accounts for respective customers of the plurality of additional banks. As described above in regards to claim 1, Levchin teaches that the first institution may or may not be external to the bank at which a customer holds an account. Additionally, it is well within the scope of the Levchin invention, that a customer may hold a demand deposit account at a second bank, while registering an electronic payment account at a separate institution.

Re claims 26, 27, 29, 44 and 45: Levchin teaches information related to the demand deposit account and electronic payment account of a customer is transferred over the electronic funds transfer network (column 2 line 36-44).

Re claims 28 and 46: Levchin fails to teach the EFT network is an Automated Teller Machine (ATM) network. Official notice is taken that ATM networks are old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's

invention to modify the teachings of Levchin to include ATM networks because financial

institutions use ATM networks to conduct user transactions, due to the convenience and

availability of ATMs to users, and it is desirable that the invention be integrated into already

existing banking networks.

Re claims 30-33 and 48-51: Levchin teaches a customer directory containing an identification of

each of the plurality of customers and a correspondence between the identifications and the

electronic payment accounts, and where the identification includes an email address, a nickname,

and a phone number (column 16 lines 1-20).

Re claims 61 and 65: Levchin teaches a payee directory, the payee directory containing at least

one identification of the payee and a correspondence between the at least one identification and

the payee account at the payee institution (col.. 5, lines 5-16, col. 8, lines 31-57, col. 9, lines 4-8,

fig. 1), a first software component coupled to the payee directory and tangibly embodied in a

processing system, the first software component accepting the at least one identification and an

amount of the payment from the payor, the first software component generating a payment

instruction identifying the payee institution, the payee account, and an amount of the payment,

and communicating the payment authorization to the payor institution (col. 5, line 55 – col. 6,

line 3, col. 6, lines 36-41, col. 9, lines 4-19 and col. 12, lines 55-67), and a second software

component at the payor institution coupled to the first software component and coupled to the

EFT network , the second software component tangibly embodied in the processing system

(figure 3), the second software component receiving the payment instruction and transmitting

from the payor institution to the payee institution through the EFT network, and wherein the EFT

credit message represents a credit in the amount of the payment (col. 6, line 39-41, col. 9, line 4-

19, col. 12, lines 5-35), the transmitting of the EFT credit message amounting to a pushing of

funds from the payor to the payee, wherein the account information includes at least one

selected from the group consisting of: account number, pin number, credit card number, bank

name, financial merchant and expiration date of account (col. 8, lines 31-57).

Levchin does not explicitly teach wherein in such pushing, payee account number of the another

customer, the payee, is transmitted over a network without account information of the first

customer, the payor, wherein the pushing of funds, without account information of the first

customer, is constituted by the payee not being provided with information such that the payor

account is identifiable to the payee.

        Money teaches the concept of wire transfer mechanism (push-model), such that the

pushing of funds is done without account information of the payee such that the payee cannot

identify the payor account from which the funds are pushed (page 24, paragraphs 1 and 2, lines

1-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Levchin to include this feature for the obvious reason of keeping the

sender's information confidential.

Re claims 75 -78: Levchin teaches a system for effectuating an electronic payment between a

payor and a payee using an Electronic Funds Transfer (EFT) network, the payor having a payor

electronic payment account at a payor institution and the payee having a payee electronic

payment account at a payee institution, the payee further having a demand deposit account at the

payee institution, the system comprising:

a first processor generating a payment identification identifying the payee institution, the first

processor tangibly embodied in a processing system, the payee electronic payment account and

an amount of the payment, the first processor further communicating the payment identification

to the payor institution (col. 5, line 55 – col. 6, line 3); and

a second processor at the payor institution coupled to the first processor and coupled to the EFT

network, the second processor tangibly embodied in the processing system, the second processor

receiving the payment identification and communicating from the payor institution to the payee

institution through the EFT network an EFT credit message representing a credit in the amount

of the payment, the communicating of the EFT credit message amounting to a pushing of funds

from the payor to the payee, wherein in such pushing a payee account number of the payee is

transmitted over a network to identify the account to which the funds are pushed, the EFT credit

message including identification information that includes all the information in the credit

message that is unique to the payor (col. 9, lines 4-19), wherein the account information includes

at least one selected from the group consisting of: account number, pin number, credit card

number, bank name, financial merchant and expiration date of account (col. 8, lines 31-57).

 Levchin does not explicitly teach that the identification information consists essentially of a

transaction ID (identification), the transaction ID being an identification that is provided to the

payor at the time of a transaction to which the electronic payment is associated.

Money teaches a reference for a transaction (equivalence of transaction ID) that is

associated with the electronic payment (page 24, paragraph 3, lines 1-2). Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify

Levchin to include this feature for the obvious reason associating the transaction ID or reference

with the specific electronic payment.

Re claims 34-42, 52-59, 62-64, 66-73, 79-86: Levchin teaches a request for payment is

communicated through an email facility, wherein the potential payor does not have an electronic

payment account, wherein the payment request comprises a link to the system, whereby the

potential payor can satisfy the request for payment through the system, and wherein the potential

payor satisfies the request for payment by establishing an electronic payment account and

making the requested payment (column 10 line 56 – column 11line 38, and column 13 line 15-

25).

Re claim 88: Levchin teaches the command from a first customer to transfer funds from the first

customer's electronic payment account to an electronic payment account of another customer

includes a payee account number of the payee (column 9 lines 28-31). Furthermore, Levchin

teaches the identifier may be a number, such as a telephone number or a social security number

(column 3 lines 63-67), which would serve as the payee account number.

Claims 60, 74, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Levchin in view of Money, as applied to claims 1, 61 and 75 above, and further in view of
Magness (USPN 6769605).

Re claims 60, 74, and 87: Levchin teaches a customer making a payment to a potential payee by
establishing an electronic payment account and communicating a potential payment to the
payment account. Levchin fails to teach a physical card linked to the potential payee electronic
payment account wherein the physical card is sent to the potential payee.

Magness teaches a money transfer system in which payment is deposited into a payment
account by a sender, and a physical card is sent to the payee, wherein the physical card may be
used to access the payment account in order redeem or otherwise use the payment. It would have
been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify
the teachings of Levchin to include sending a physical payment access card to a potential payee
because Levchin discloses the system may be used to transfer value from a customer who has an
account to a customer who does not have an account, and it would be desirable that a potential
payee not be required to obtain an account in order to receive payment, within the system
described by Levchin.

Claims 15, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Levchin in view of Money, as applied to claims 1, 21 and 23 above, and further in view of

Drummond et al (USPN 7080036).

Re claims 15, 22, and 25: Levchin fails to teach an interface configured such that when any of

the customers of the plurality of additional banks access their respective account system, it

appears that the customer's respective bank is operating the system.

Drummond teaches an automated banking machine development method, wherein a non-

bank-specific banking interface is developed by an entity independent of the entity with which a

customer holds an account, and wherein the customer is provided with interface outputs which

suggests that the machine is one operated by the customer's particular bank or entity with whom

they have an account relationship (column 14 lines 23-34). It would have been obvious to one of

ordinary skill in the art at the time of the Applicant's invention to modify the teachings of

Levchin to include transparency of the independent entity as described above because it is

desirable to provide a customer with a familiar environment, including their bank's branding in

order to build customer relationship and brand image.

Response to Arguments

Applicant's arguments filed May 25, 2011 have been fully considered but they are not

persuasive.

Applicant argues that the proposed modification as articulated in the rejection goes against the teachings of Levchin so as to be unworkable. Examiner respectfully disagrees. The modification is simply to prevent the recipient from identifying the source of the transfer. Levchin suggests that the sender's raw account information is confidential but the sender's alias (i.e, email address) may be identifiable to the payee and are not necessarily protected (col. 13, lines 18-22). The proposed modification enables the system to protect all forms of sender's identifiable information.

Applicant further argues that Money's description of omitting identification of sender involves series of phases of the transfer- that at some point originator's account number may be dropped. While Money describes this as a possibility, Examiner notes that transfer may also be direct. Money teaches that one transfer **_may_** pass through several banks before reaching the beneficiary's bank, separate payment orders necessary to the particular bank to bank transfer will contain different information. Often as **_payment order_** is reformatted for the **_next phase_** of the transfer, the **_bank will omit identification of the sende_**r (page 23, **last paragraph** through page 24, paragraphs 1 and 2, lines 1-20). While this describes the possibility of involving several banks (intermediaries) in transferring funds, it does not preclude direct bank-to-bank (i.e., without an intermediary bank). One of ordinary skill in the art would recognize that in a direct bank-to-bank transfer, the originating bank that issues payment order will omit the identification of the sender (starting or single phase). Therefore, Money teaches the concept of wire transfer mechanism (push-model), such that the pushing of funds is done without account information of the payee such that the payee cannot identify the payor account from which the funds are pushed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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